

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEBORAH A. MOLENDAS,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY, a Delaware corporation; MARY
FLORA CRUZE, individually, and as trustee
of The Albert J. Cruze Revocable Living
Trust

Defendants.

Case No. CV 08-5111RBL

ORDER DISMISSING MET LIFE AND
AWARDING COSTS AND
ATTORNEYS FEES

This matter is before the Court on Interpleader Metropolitan Life's Motion for Attorneys' Fees and Costs, and for Dismissal. [Dkt. #10] Met Life has deposited the insurance policy proceeds at issue in the case – \$10,000 – into the court, and now argues that the court should in its discretion award it fees and costs approaching 50% of this amount.

The parties to the underlying dispute over who should get the insurance proceeds both argue that Met Life's request is excessive, and demonstrate that the matter could and therefore should have been handled more efficiently. The court also agrees that a result in which the stakeholder consumes half of the amount at issue in an effort to interplead and obtain dismissal from the case is facially unfair. The amount sought is excessive, and the court will therefore in its discretion award a total of \$1000.00 for fees and costs associated with Met Life's interpleader action.

1 The clerk of the court is therefore authorized and directed, pursuant to GR 6(b), to
2 immediately draw a check on the funds on deposit in the registry of this court in the principal
3 amount of \$1000 payable to counsel for Met Life, Sarah E. Haushild of Lane Powell PC, and to
4 mail the check to Lane Powell PC, 1420 Fifth Avenue, Suite 4100, Seattle WA 98101-2338. It is
5 further ORDERED that defendant Met Life is dismissed from this action with prejudice, and
6 discharged from all further liability to Plaintiff Deborah A. Molenda and Defendant Mary Flora
7 Cruze, individually and as Trustee of the Albert J. Cruze Revocable Living Trust, as it has
8 satisfied its obligations under the ERISA-regulated life insurance policy under which those parties
9 may be entitled to benefits.

10
11 IT IS SO ORDERED.

12 Dated this 24th day of April, 2008.

13
14
15 
16 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28